

REMARKS

The present Amendment amends claims 1, 4, 7 and 9, leaves claims 3, 6, 8, and 10-13 unchanged. Therefore, the present application has pending claims 1, 3, 4, and 6-13.

Claim Objections

Claims 4 and 7 stand objected to because of informalities. Applicants amended claims 4 and 7 in the manner proposed by the Examiner. Therefore, this objection is overcome and should be withdrawn.

35 USC §102 Rejections

Claims 1, 3, 4, and 6-13 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,006,264 to Colby, et al. ("Colby"). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention, as now more clearly recited in claims 1, 3, 4, and 6-13, are not taught or suggested by Colby, whether taken individually or in combination with any of the other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Amendments were made to the claims to more clearly describe features the features of the present invention. Specifically, amendments were made to the claims to more clearly describe that the present invention is directed to a video content transmitting system and method as recited, for example, in independent claims 1, 4, 7, 9, 10 and 11.

The present invention as recited in independent claim 1, and as similarly recited in independent claims 4, 7, 9, 10, and 11, provides a video content

transmitting system and method, the system including a plurality of video content transmitting servers that transmit requested video contents in response to a request from video content play terminals connected to the servers via a network. The system includes a means for storing a plurality of network protocols that facilitate video content transmission between the video content transmitting servers and the video content play terminals. The means for storing information includes a table that correlates each of the protocols to each combination of servers and terminals (see, e.g., Fig. 4). The system also includes a means for selecting a video content transmitting server based on a determination of a protocol from the table, with respect to the video content play terminal issuing the request for video contents.

In addition to the above described features, independent claim 4 recites, and independent claims 7, 10, and 11 similarly recite, a system or method, the system further including a means for managing information of a total available bandwidth for video content transmission and for managing information of a bandwidth currently in use. The means for managing information includes a table storing information that indicates a correlation between each network route, the total available bandwidth, and the bandwidth currently in use (see, e.g., Fig. 5). The system also includes a bandwidth calculating means for calculating a bandwidth of the network route to be used for transmission of the requested video contents and a transmission processing means. The transmission processing means is for determining the video content transmitting server capable of transmitting the requested video contents to the requested video content play terminal, in accordance with the total available bandwidth, the current bandwidth, and the calculated bandwidth needed for video

content transmission. The prior art does not disclose all of the above described features.

The above described features of the present invention, as now more clearly recited in the claims, are not taught or suggested by any of the references of record, particularly Colby, whether taken individually or in combination with any of the other references of record.

Colby discloses a method and system for directing flow between a client and a server. In Colby, a content-aware flow switch intercepts a client content request in an IP network, and transparently directs the content request to a best fit-server. The best-fit server is chosen based on the type of content requested, the quality of service requirements implied by the content request, the degree of load on available servers, network congestion information, and the proximity of the client to available servers.

In the present invention, the system as recited in claim 1, and as similarly recited in claims 4, 7, 9, 10, and 11, includes a means for storing information. The means for storing information includes a table that contains information identifying a plurality of protocols, video content play terminals, and video content transmitting servers. The information is arranged in the table such that each of the protocols correlates to a terminal and server combination. Colby does not disclose this feature. As described in column 6, lines 42-63, Colby discloses a content server database (CSD) that maintains several databases containing information relating to content flow characteristics, content locality, and the location of and the load on servers. One database maintained by the CSD contains server records, each of

which contains information about a particular server. The server record contains, for example, the server's internet protocol (IP) address, protocol, a port of the server through which the server can be accessed by the flow switch, and indication of whether the server is local or remote with respect to the flow switch, and load metrics indicating the load on the server. In this way, Colby discloses information relating to a server only, rather than information relating to a server and terminal combination, as claimed.

Another feature of the present invention, as recited in claim 1, and as similarly recited in claims 4, 7, 9, 10, and 11, includes a means for selecting a video content transmitting server from the plurality of servers based on a protocol determination from the table, with respect to the video content play terminal that issued the request for video transmission. As previously discussed, Colby does not disclose a table indicating a correlation between the protocols, servers, and terminals, as claimed. Therefore, it follows that Colby does not disclose a means for selecting a server based on a protocol determination from the table, as claimed.

Yet another feature of the present invention, as recited in claim 4 and as similarly recited in claims 7, 10, and 11, includes a means for managing information relating to a total available bandwidth for video content transmission in a network route between each video content play terminal and each video content transmitting server, and for managing information relating the bandwidth currently in use for the video content transmission. The managing means includes a table that stores information indicating a correlation between each network route, the total available bandwidth, and the bandwidth currently in use. To support the assertion that Colby

teaches a means for managing information, the Examiner cites: Fig. 2 (item 110), Fig. 1b; column 15, lines 2-12; and column 15, line 49 to column 16, line 4. However, contrary to the Examiner's assertions, the cited text and figures do not disclose the claimed features. Colby discloses calculating a minimum bandwidth requirement (MinBW) of the requested content based on the total bandwidth (PortBW) available. Colby does not disclose information regarding the bandwidth currently in use. Furthermore, Colby does not disclose where the means for managing information includes a table that stores information indicating a correlation between each network route, the total available bandwidth, and the bandwidth currently in use, and the Examiner has not provided any support for his assertions that Colby discloses this feature. As such, Colby does not teach a means for managing information, as claimed.

Therefore, Colby fails to teach or suggest "means for storing information of a plurality of network protocols capable of video content transmission between the plurality of video content play terminals and the plurality of video content transmitting servers, said means for storing information including a table of protocols for facilitating communication for each combination of one of the plurality of said video content transmitting servers and one of the plurality of said video content play terminals, wherein the table indicates a correlation between each of the plurality of protocols and a corresponding combination of one of the plurality of said video content transmitting servers and one of the plurality of video content play terminals" as recited in claim 1, and as similarly recited in claims 4, 7, 9, 10, and 11.

Furthermore, Colby fails to teach or suggest “means for selecting a video content transmitting server from the plurality of video content transmitting servers based on a protocol determination of the protocols of the table in respect of the video content play terminal issuing the request to thereby determine the video content transmitting server capable of transmitting said requested video contents to the video content play terminal requesting said video content transmission” as recited in claim 1, and as similarly recited in claims 4, 7, 9, 10, and 11.

Even further, Colby fails to teach or suggest “means for managing information of a total available bandwidth for video content transmission of a network route between each video content play terminal and each video content transmitting server, and information of a bandwidth now in use for the video content transmission, said managing means including a table storing information indicative of a correlation between each network route, the total available bandwidth, and the bandwidth now in use” as recited in claim 4, and as similarly recited in claims 7, 10, and 11.

Therefore, Colby fails to teach or suggest all the features of the present invention, as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §102(e) rejection of claims 1, 3, 4 and 6-13 is respectfully requested.

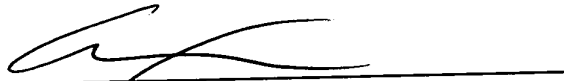
The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references used in the rejection of claims 1, 3, 4 and 6-13.

In view of the foregoing amendments and remarks, Applicants submit that claims 1, 3, 4 and 6-13 are in condition for allowance. Accordingly, early allowance of claims 1, 3, 4 and 6-13 is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 500.39531X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.


Carl I. Brundidge
Registration No. 29,621

CIB/DKM/sdb
(703) 684-1120